

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

MARLON SISNERO-GIL,

Defendant.

No. 15-cr-605-4 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a motion from Tanyi Gil, one of the sureties on Defendant Marlon Sisnero-Gil's \$100,000 personal recognizance bond, to vacate or remit the judgment against her. (Doc. No. 228). The government does not oppose the request. (Doc. No. 331.)

The Court may remit judgments on the forfeiture of bail bonds in whole or in part if “it appears that justice does not require bail forfeiture.” Fed. R. Crim. P. 46(f). While the government does not oppose Gil's request, “[t]he burden of establishing grounds for remission is on the party challenging the forfeiture.” *United States v. Gambino*, 17 F.3d 572, 574 (2d Cir. 1994). In considering whether to grant a remission motion, courts are to consider “whether the defendant's breach of the bond conditions was willful; the cost, inconvenience and prejudice suffered by the government as a result of the breach; any explanation or mitigating factors presented by the defendant; whether the surety has assisted in the apprehension of the defendant; and whether the surety is a professional or a friend or member of the defendant's family.” *Id.* (internal quotation marks and ellipsis omitted). The Court must also consider the “deterrence value of total forfeiture.” *Id.* at 575.

Gil's motion does not address the factors relevant to remission and therefore does not meet

the “burden of establishing grounds for remission.” *Gambino*, 17 F.3d at 574. Accordingly, IT IS HEREBY ORDERED THAT counsel for Tanyi Gil shall submit a supplemental letter by December 31, 2020 addressing the factors and any other information that may be relevant for the Court to consider in assessing whether Gil has carried her burden to establish sufficient grounds to warrant remission of the judgment.

SO ORDERED.

Dated: December 22, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation